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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,585	02/08/2002	Marek Kwiatkowski	11989-008001	2835
26191	7590	02/23/2006	EXAMINER	
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			LU, FRANK WEI MIN	
			ART UNIT	PAPER NUMBER
			1634	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1634

DETAILED ACTION

Response to Amendment

1. Applicant's response to the office action filed on November 18, 2005 has been entered. The claims pending in this application are claims 1-29 and 32-35 wherein claims 4, 5, 10-13, 18, 20-23, 29, 32, and 33 have been withdrawn due to species election. Rejection and/or objection not reiterated from the previous office action are hereby withdrawn in view of amendment filed on June 13, 2005.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 6-9, 14-17, 19, 24—28, 34, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1 and 27 are rejected as vague and indefinite. Since the claims do not require that non-bifunctional oligonucleotides adhere to said separation medium, it is unclear how to elute the non-bifunctional oligonucleotides as recited in step c) of claim 1 and steps c) and e) of claim 27.

5. Claim 26 is rejected as vague and indefinite. Since step d) of the claim requires only cleaving either said first separation tag or said second separation tag, it is unclear how to elute an oligonucleotide lacking said first separation tag and an oligonucleotide lacking said second separation tag in the same time as recited in step e) of the claim. Please clarify.

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Response to Arguments

In page 7, second paragraph bridging to page 8, second paragraph of applicant's remarks, applicant argues "[S]tep (e) does not recite eluting two different oligonucleotides, one lacking the first separation tag and one lacking the second separation tag. Rather, step (e) of claim 26 recites eluting an oligonucleotide lacking the first separation tag and the second separation tag. Thus, the oligonucleotide eluted in step (e) lacks both separation tags. It is possible to elute an oligonucleotide lacking both separation tags in step (e) of claim 26 because the plurality of oligonucleotides recited in claim 1 includes both bifunctional and non-bifunctional (e.g., monofunctional) oligonucleotides. Thus, both bifunctional and monofunctional oligonucleotides can be attached to the separation medium. Cleaving the separation tag from a monofunctional oligonucleotide in step (d) of claim 26 will result in an oligonucleotide that lacks both separation tags. This oligonucleotide can be eluted in step (e) of claim 26".

This argument has been fully considered but it is not persuasive toward the withdrawal of the rejection because claims 1 and 26 do not require that non-bifunctional oligonucleotides adhere to said separation medium, it is unclear how to elute the non-bifunctional oligonucleotides as argued by applicant.

6. Claim 27 is rejected as vague and indefinite. If step a) only has one non-bifunctional oligonucleotide, how the claim can perform steps c) and e) together in the same method. Please clarify.

7. Claim 34 recites the limitation "said oligonucleotide" in the claim. There is insufficient antecedent basis for this limitation in the claim because there is no word "oligonucleotide" in the step f). Please clarify.

Conclusion

8. No claim is allowed.
9. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones, can be reached on (571)272-0745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Frank Lu
Primary Examiner
February 21, 2006



Primary **FRANK LU**
PATENT EXAMINER